

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HAROLD B. WILSON, GRACY
SEDLAK,

Plaintiffs,

vs.

JOSEPH FLETCHER, ORA THOMAS
FLETCHER,

Defendants.

4:12CV3061

MEMORANDUM AND ORDER

A hearing for further or final resolution of this case has been set at a time convenient to the parties. As reflected in the court's correspondence sent on February 4, 2014, (see attached), the hearing will be held to fully and finally settle this case based on the parties' compromise as to the remaining issues, or in the absence of a settlement, based on the evidence offered at the hearing.

Accordingly,

IT IS ORDERED:

1) A hearing will be held at 2:00 p.m. on February 19, 2014 before the undersigned magistrate judge in Courtroom 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Since there is no guarantee the case will settle, the parties must be prepared to present evidence on the following remaining factual issues:

- a) Whether all money distributed to Skincare of Lafayette by Joseph Fletcher from Wilson's funds was distributed in accordance with the directions received from Wilson and with Wilson's consent, or with the authorization provided by Sedlak as Wilson's Power of Attorney. The plaintiffs allege the \$9000 sent to Skincare by Lafayette on August 3, 2011, and the \$400

wired to James Anderson while he was in Las Vegas, were not authorized by Wilson, or by Sedlak on Wilson's behalf.

- b) Whether Harold Wilson owes money to Joseph Fletcher for Joseph Fletcher's time and work in handling Wilson's money and accounts. Joseph Fletcher states:

Harold owes me for doing all the work that I had done for him. If he would have had to hire a lawyer to handle these issues for him, it could have cost him up to 250.00 an hour. I figure that I have invested at least 100 hours of my time to do this for him. I feel that I should be compensated for those hours that I would have otherwise been doing something with my immediate family. I don't know what a fair compensation rate should be for my time and effort, however I don't feel it should be free.

Filing No. 76.

- c) Whether the plaintiffs are entitled to recover filing fees totaling \$700 plus copy and mailing costs totaling \$32.10.

2) For the hearing, Harold Wilson will appear telephonically; the defendants intend to appear telephonically, but may appear in person in they wish; and Gracy Sedlak will appear personally in the courtroom. Unless the court is otherwise advised prior to the hearing, the court will use the telephone numbers previously provided by the defendants to contact the defendants for participation in the hearing.

3) Within 24 hours prior to the hearing, the parties shall advise the court, by specific description, of any exhibits they intend to offer at the hearing, and shall provide an explanation of how that exhibit is relevant to any issue remaining in this case. The parties will not be allowed to offer an exhibit at the hearing unless that exhibit was timely identified to the court as required under this order.

4) Along with this order, the clerk shall mail filings 72, 73, 74, 75, and 76 to each of the parties.

February 13, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge